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Leggett v. John N. Hart Lumber Company.

The Court instructs the jury that the evidence introduced in this case is not sufficient to warrant a finding in favor of the plaintiff on any count in the declaration, and the jury are instructed to find for the defendant.

White v. Brewing Co., 41 S. E. 180; *Ketterman v. R. R. Co.*, 37 S. E. 683; *Laverty v. Hambrick*, 57 S. E. 240; *Dunn v. R. R. Co.*, 78 Va. 645; *Street v. N. & W. Ry. Co.*, 101 Va. 746; *Richmond Locomotive Works v. Ford*, 94 Va. 627; *Persinger v. Alleghany Ore & Iron Co.*, 102 Va. 350; *Va., I. C. & C. Co. v. Kiser*, 105 Va. 704, and cases therein cited; *Taylor v. B. & O. Ry. Co.*, 108 Va. 818; *Sjogren v. Hall*, 18 N. W. 812; *Rough v. Richards*, 18 N. W. 785; *Cudahy Packing Co. v. Marcan*, 106 Fed. 645; *St. Louis Cordage Co. v. Miller*, 126 Fed. 695; *Travelers Ins. Co. v. Selden*, 78 Fed. 285; *Bohn v. Erickson*, 55 Fed. 943; *Sullivan v. Mfg. Co.*, 113 Mass. 396; *Ciriaek v. Woolen Mills*, 146 Mass. 186; *DeSousa v. Stafford Mills*, 155 Mass. 476; *Siddall v. Pacific Mills*, 162 Mass. 162; *Robinski v. Cotton Mills*, 174 Mass. 432; *Pratt v. Prouty*, 153 Mass. 334; *Shaw v. Sheldon*, 103 N. Y. 667; *Hickey v. Taaffe*, 105 N. Y. 26; *Knissley v. Pratt*, 149 N. Y. 582; *Bailey on Master's Liability*, pp. 146-156, cases and notes.

We hope that our readers will pardon us for reviving the controversy that started in February number of the "Law Register" (14 Va. Law Reg. 769) in which we commended one of our circuit judges for directing a verdict in an accident case. Of course this statement provoked a speedy and eloquent reply in our next number from a learned member of the Richmond bar. That gentleman, for whom we entertain the highest respect, holds that time-honored institution, the jury system, in greater esteem than we do, and with much show of reason, too, since Mr. Justice Miller, in his report, made the statement that three-fourths of the cases of disagreement in the federal supreme court were upon facts and not law. And yet there are people who would abolish trial by jury and try causes by judges only, because of the dullness or ignorance or perversity of jurors! Even so! These instructions which we have set out afford us a deal of satisfaction, not only because they vindicate our position, but because they show a tendency in the right direction, which will unquestionably contribute to lessening the "law's delay" that has become such a disgrace and reproach to the administration of civil and criminal justice in this country. Why should a jury be allowed to render a verdict which the court must immediately afterwards set aside and grant a new trial?